

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed July 15, 2004. Upon entry of the amendments in this response, claims 1 - 7, 9 - 13 and 15 - 18 remain pending. In particular, Applicant has amended claims 1, 9, 15 and 16, and has canceled claims 8, 14 and 19 without prejudice, waiver, or disclaimer. Applicant has canceled claims 8, 14 and 19 merely to reduce the number of disputed issues and to facilitate early allowance and issuance of other claims in the present application. Applicant reserves the right to pursue the subject matter of these canceled claims in a continuing application, if Applicant so chooses, and does not intend to dedicate the canceled subject matter to the public. Reconsideration and allowance of the application and presently pending claims are respectfully requested.

Rejections Under 35 U.S.C. §102

The Office Action indicates that claims 1 - 19 stand rejected under 35 U.S.C. §102(e) as being anticipated by *Allen*. Applicant respectfully traverses the rejection.

Turning first to the *Allen* reference, that reference generally involves identification of recording medium in a printer. Specifically, *Allen* involves determining the type of recording medium so that printing performed by the printer can be optimized for the particular medium identified. By way of example, *Allen* discloses :

Optimal settings for parameters in the rendering and recording process are associated with each type of recording medium. Frequently, the printer driver on the host computer controls the parameters of the rendering and recording processes. For rendering, these include selection of tone reproduction curves, half tone and error diffusion algorithms, colored maps and gamut adjustment and others. For recording process in an ink jet printer, these include ink drip volume, number of ink drops per pixel, number of passes of the print head over a pixel, the order and pattern in which the drops are printed in a pixel or a region of pixels, and information presented on the printer's display panel.

The determination of media type is often preferably made in the host computer for two reasons. First, the media type determines parameters for both image rendering and printer marking processes. Images are rendered with consideration to parameters of the marking process, and rendering and marking must be coordinated. Second, because new media may be introduced and processed changes may require tuning the identification process, the manufacturer can update the capability of the host/printer system to differentiate media by providing the user with an updated printer driver containing the identification criteria and categories. It is possible, however, with future proliferation of information appliances, that the determination of media type may be done within the printer itself. (*Allen* at Col. 2, line 63 – Col. 3, line 21).

Turning now to the presently-pending claims, claim 1 recites:

1. A device for determining the media type of source media, comprising:
a light source positioned to illuminate at least a portion of the source media;
a sensor positioned relative to said light source to view at least a portion of the source media illuminated by said light source;
a controller connected to said sensor; and
a scan module for scanning the source media, said scan module connected to said controller, wherein said controller interprets scan data received from said scan module based on data received from said sensor.
(Emphasis Added).

Applicant respectfully asserts that *Allen* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 1. Therefore, Applicant respectfully asserts that *Allen* is legally deficient for the purpose of anticipating claim 1, and that claim 1 is in condition for allowance. Since claims 2 – 7 incorporate all the features/limitations of claim 1, Applicant respectfully asserts that these claims also are in condition for allowance.

With respect to claim 9, that claim recites:

9. A method for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:
illuminating at least a portion of the source media;
sensing at least part of the illuminated portion of the source media;
determining the media type of the source media based on said sensing;
scanning the source media;
generating data as a result of said scanning; and
interpreting said data based on said determined media type.
(Emphasis Added).

Applicant respectfully asserts that *Allen* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 9. Therefore, Applicant respectfully asserts that *Allen* is legally deficient for the purpose of anticipating claim 9, and that claim 9 is in condition for allowance. Since claims 10 – 13 and 15 incorporate all the features/limitations of claim 9, Applicant respectfully asserts that these claims also are in condition for allowance.

Claim 16 recites:

16. A computer program product for adjusting the interpretation of scanned data based on the type of source media scanned, comprising:
instructions for illuminating at least a portion of the source media;
instructions for receiving data produced by sensing at least part of the illuminate portion of the source media;
instructions for determining the media type of the source media based on said data produced by said sensing;
instructions for scanning the source media;
instructions for generating data as a result of said scanning; and
instructions for interpreting said data based on said determined media type.
(Emphasis Added).

Applicant respectfully asserts that *Allen* does not teach or otherwise disclose at least the features/limitations emphasized above in claim 16. Therefore, Applicant respectfully asserts that *Allen* is legally deficient for the purpose of anticipating claim 16, and that claim 16 is in condition for allowance. Since claims 17 – 18 incorporate all the features/limitations of claim 16, Applicant respectfully asserts that these claims also are in condition for allowance.

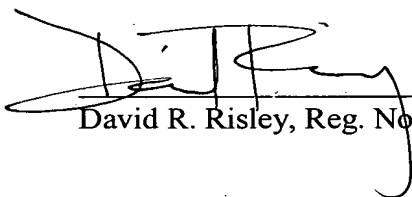
Cited Art Made of Record

The cited art made of record has been considered, but is not believed to affect the patentability of the presently pending claims.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 - 7, 9 - 13 and 15 - 18 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on 8/23/04.

Stephanie Riley

Signature